



March 13, 2023

John Gavinchuk, acting on behalf of Lila Gavinchuk
61, 23061 TWP RD 543
Fort Saskatchewan, Alberta T8L 4P9

**CLARIFICATION FOLLOWING THE
NOTICE OF DECISION OF THE
SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

FILE NO: 1325-20/PLVAR20220853

APPEAL: Appeal of Development Permit Approval

LAND USE DESIGNATION: RE – Residential Estate Lot District

LEGAL DESCRIPTION: Lot 5, Block C, Plan 752 1001

CIVIC ADDRESS: 49, 23061 TWP RD 543, Fort Saskatchewan

1. On March 3, 2023, the Subdivision and Development Appeal Board (the “Board”) issued a decision to grant the appeal and vary Development Permit PLVAR20220853, as specified in that decision.
2. As a result of questions regarding the Board’s decision, the Board is issuing this Clarification. This clarification does not change the Board’s decision, but clarifies the language.
3. As set out in paragraph 65 to 71 of its March 3, 2023 decision the Board varied the Development Permit PLVAR20220853. The initial development permit application sought an 8ft/2.44m fence on the perimeter of the property legally described as Lot 5, Block C, Plan 752 1001 and municipally described as 49, 23061 TWP RD 543, Fort Saskatchewan, Alberta (the “Property”).
4. The Board’s decision varied the Development Permit and approved a 6ft/1.85m fence on the perimeter of the Property.
5. A 6ft/1.85m fence on the rear property line and on the two flanking property lines is in accordance with the regulation set out in section 6.6.1(a) of the Land Use Bylaw, which states:

6.6.1. Fences, walls or hedges within Residential Land Use Districts on interior lots shall be no higher than:

- (a) 1.85m along a rear or side yard property line; and*
- (b) 0.91m along the front yard property line.*

6. A 6ft/1.85m fence on the front property line exceeds the regulation set out in section 6.6.1(b) of the Land Use Bylaw and the Board's decision of March 3, 2023 varied the regulation to permit the fence along the front property line to be 6ft/1.85m.
7. The diagram at the end of the Board's March 3rd decision notes the location of the Board's variance. For ease of reference the development permit and the diagram identifying the location of the variance are re-attached to this clarification.

Dated at the City of Fort Saskatchewan in the Province of Alberta, this 13th day of March, 2023.

Clerk: 
Signed by Andrew Kaiser – Clerk to the Subdivision
and Development Appeal Board.

The decision of the Subdivision and Development Appeal Board is final and binding on all parties, subject only to appeal to the Court of Appeal under Section 688 of the *Municipal Government Act*, R.S.A 2000, c. M-26

**Development Permit
PLVAR20220853
Lot 05, Block C, Plan 752 1001
49 23061 TWP RD 543**

1. This Development Permit only authorizes a: **Fence at 6ft/1.85m – Front Yard Property Line**. All subsequent development requires development and/or building permits. Confirmation of permitting requirements may be obtained from the City of Fort Saskatchewan Planning and Development Department (780) 992-6198.
 - 1.1. Development shall proceed in accordance with the approved site plan attached hereto (subject to revisions noted below):
 - a) The attached site plan does not specify the exact location of the fence and is meant only to indicate the property line to which this permit applies.
 - 1.2. Except as varied by way of this Development Permit, development shall proceed in accordance with *LAND USE BYLAW C23-20, Section 5.5 – Fences, Walls and Hedges* and *Section 6.6 – Fences, Walls and Hedges in Residential Districts*.

ADVISEMENTS:

An approved Development Permit means that the proposed development has been reviewed against the provisions of the City of Fort Saskatchewan Land Use Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such and the Municipal Government Act, Building Codes, Safety Codes or any other caveat, covenants, easements, right of ways or access/crossing agreements that might be attached to the site.

**Development Permit
PLVAR20220853**

Variance granted to allow the construction of a fence along the front yard property line (area indicated in red) up to a maximum height of 1.85m / 6ft

